

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

ORDER REVESTING JURISDICTION IN BANKRUPTCY COURT TO CONSIDER
CANPARTNERS REALTY HOLDING COMPANY IV, LLC'S
FED.R.CIV.P. 60(b) MOTION

On February 6, 2009, the Bankruptcy Court entered an order (the Order) granting Canpartners Realty Holding Company IV LLC (Canyon) relief from stay to foreclose on real property located in Hawaii. The Order directed Canyon not to transfer or encumber the property after foreclosure. Appellant CMR Mortgage Fund, LLC filed a timely notice of appeal of the Order, which is pending before this Court as consolidated case nos. 3-09-CV-01299 MHP and 3:09-CV-01842 MHP.

On June 9, 2009, Canyon filed a motion in the Bankruptcy Court, seeking to have that Court lift the restriction on further

1 transfer or encumbrance of the property (the Motion). The
2 Bankruptcy Court construed the Motion as one to amend the Order
3 pursuant to Fed. R. Civ. Proc. 60(b), and requested this Court to
4 revest jurisdiction in the Bankruptcy Court to permit it to rule
5 upon the Motion.

6 Upon due consideration, and for good cause shown, the Court
7 hereby orders that the Bankruptcy Court is revested with
8 jurisdiction to determine the Motion.

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10 IT IS SO ORDERED.

11
12 November 30, 2009
Date


13 MARILYN HALL PATEL
United States District Court Judge
Northern District of California
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